

**PARENTAL RIGHTS REVISIONS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Christine F. Watkins**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends the Juvenile Court Act of 1996.

**Highlighted Provisions:**

This bill:

▶ provides that before ordering termination, the court ~~H~~→ [shall] may ←~~H~~ consider whether

terminating a parent's rights will cause a child to lose meaningful contact with other members of the child's ethnic group or race; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**78A-6-507**, as renumbered and amended by Laws of Utah 2008, Chapter 3

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **78A-6-507** is amended to read:

**78A-6-507. Grounds for termination of parental rights -- Findings regarding reasonable efforts.**

H.B. 203



28 (1) The court may terminate all parental rights with respect to a parent if the court finds  
 29 any one of the following:

30 (a) that the parent has abandoned the child;

31 (b) that the parent has neglected or abused the child;

32 (c) that the parent is unfit or incompetent;

33 (d) (i) that the child is being cared for in an out-of-home placement under the  
 34 supervision of the court or the division;

35 (ii) that the parent has substantially neglected, wilfully refused, or has been unable or  
 36 unwilling to remedy the circumstances that cause the child to be in an out-of-home placement;  
 37 and

38 (iii) that there is a substantial likelihood that the parent will not be capable of  
 39 exercising proper and effective parental care in the near future;

40 (e) failure of parental adjustment, as defined in this chapter;

41 (f) that only token efforts have been made by the parent:

42 (i) to support or communicate with the child;

43 (ii) to prevent neglect of the child;

44 (iii) to eliminate the risk of serious harm to the child; or

45 (iv) to avoid being an unfit parent;

46 (g) (i) that the parent has voluntarily relinquished the parent's parental rights to the  
 47 child; and

48 (ii) that termination is in the child's best interest;

49 (h) that, after a period of trial during which the child was returned to live in the child's  
 50 own home, the parent substantially and continuously or repeatedly refused or failed to give the  
 51 child proper parental care and protection; or

52 (i) the terms and conditions of safe relinquishment of a newborn child have been  
 53 complied with, pursuant to Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn  
 54 Child.

55 (2) Prior to termination, the court ~~H~~→ [shall] may ←~~H~~ consider whether terminating a  
 55a parent's rights  
 56 will cause the child to lose meaningful contact with other members of the child's ethnic group  
 57 or race.

58 [~~2~~] (3) The court may not terminate the parental rights of a parent because the parent

59 has failed to complete the requirements of a child and family plan.

60           ~~[(3)]~~ (4) (a) Except as provided in Subsection ~~[(3)]~~ (4)(b), in any case in which the  
61 court has directed the division to provide reunification services to a parent, the court must find  
62 that the division made reasonable efforts to provide those services before the court may  
63 terminate the parent's rights under Subsection (1)(b), (c), (d), (e), (f), or (h).

64           (b) Notwithstanding Subsection ~~[(3)]~~ (4)(a), the court is not required to make the  
65 finding under Subsection ~~[(3)]~~ (4)(a) before terminating a parent's rights:

66           (i) under Subsection (1)(b), if the court finds that the abuse or neglect occurred  
67 subsequent to adjudication; or

68           (ii) if reasonable efforts to provide the services described in Subsection ~~[(3)]~~ (4)(a) are  
69 not required under federal law.

---

---

**Legislative Review Note**  
as of 9-6-11 3:27 PM

**Office of Legislative Research and General Counsel**